

Joel T. Marker (4372)

McKAY, BURTON & THURMAN

Attorneys for Joel T. Marker, Chapter 7 Trustee

170 South Main Street, Suite 800

Salt Lake City, UT 84101

Telephone: (801) 521-4135

Fax: (801) 521-4252

Email: joel@mbt-law.com

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

In re: : Bankruptcy No. 04-30824 WTT
Chapter 7

SHELBY ELIZABETH NICHOLS, :
Debtor. :

JOEL T. MARKER, Trustee of the Chapter 7 Adversary Proceeding No. 04-2896
Bankruptcy Estate of Shelby Elizabeth Nichols:

Plaintiff, :

VS. :

SHELBY ELIZABETH NICHOLS, :

Defendant. :

**AFFIDAVIT FOR ENTRY OF DEFAULT AND REQUEST
TO ENTER DEFAULT AGAINST DEFENDANT SHELBY ELIZABETH NICHOLS**

STATE OF UTAH)
)SS.
COUNTY OF SALT LAKE)

Joel T. Marker, being first duly sworn upon oath, deposes and says:

1. I am the Trustee of the bankruptcy estate of Shelby Elizabeth Nichols and the Plaintiff in the above captioned matter.

2. A copy of the summons and complaint was served on Defendant Shelby Elizabeth Nichols on October 11, 2004 and the certificate of service is on file herein.

3. Defendant Shelby Elizabeth Nichols has not answered or otherwise appeared in this action.

4. The time in which the Defendant may appear and answer has expired.

5. To the best of my knowledge Shelby Elizabeth Nichols, an individual, is neither in the military service, an infant or an incompetent person.

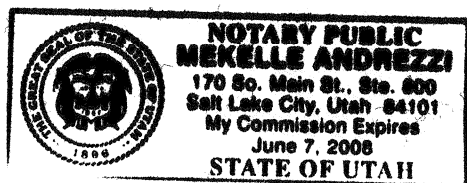
6. Pursuant to the complaint in this matter dated October 11, 2004 the Plaintiff is entitled to judgment against the Defendant denying the Defendant's discharge pursuant to Section 727(a)(2) and 727(a)(4)(A) of the Bankruptcy Code

DATED this 15th day of November, 2004.



Joel T. Marker

SUBSCRIBED AND SWORN TO before me this 15th day of November, 2004.


NOTARY PUBLIC

My Commission Expires: 6. 7 - 08

REQUEST TO CLERK TO ENTER DEFAULT

TO THE CLERK OF THE ABOVE ENTITLED COURT:

Defendant Shelby Elizabeth Nichols, having failed to answer or otherwise appear in the above entitled action, the time for appearance having expired, you are requested to enter her default pursuant to Rule 7055, Fed.R.Bankr.P.

DATED this 15th day of November, 2004.

McKAY, BURTON & THURMAN

By: 
Joel T. Marker

Attorneys for Plaintiff Joel T. Marker, Trustee